

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

ENTERED

November 22, 2022

Nathan Ochsner, Clerk

UNITED STATES OF AMERICA

§

§

versus

§

Criminal No. 7:16-cr-00129

§

Dionicio Avila

§

SCHEDULING ORDER

ARRAIGNMENT will be held November 29, 2022, at 11:00 AM before Magistrate Judge .

The following dates are pertinent to your case:

Final Pretrial: **February 6, 2023 at 09:30 AM** before Judge Ricardo H Hinojosa

Jury Selection: **February 7, 2023 at 09:30 AM** before Judge Ricardo H Hinojosa

Deadline for Motions: **December 13, 2022**

Government's Response: **January 3, 2023**

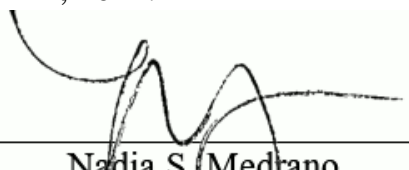
Deadline for Motions for Continuance: **January 23, 2023**

If the defendant wishes to waive appearance at arraignment and enter a plea of not guilty, **complete the attached waiver with client's signature** and file it with the Court using event Motion for Waiver of Presence at Arraignment, no later than 24 hours prior to the scheduled arraignment. When the waiver form is properly filed and accepted, the arraignment will be canceled and removed from the Court's calendar.

You and your attorney must be personally present in the District Courtroom, Bentsen Tower, 1701 W. Bus. Highway 83, McAllen, Texas, on the date set for Final Pretrial. Failure to appear may result in additional charges being brought against you. A trial date will be set at the time of Jury Selection. Take notice that your case could be set for any day after Jury Selection.

Each motion filed in your behalf must be filed with a certificate that your attorney consulted with the Assistant United States Attorney in charge of your case in an attempt to obtain the relief requested by the motion filed but that no resolution was reached. Each motion must be also accompanied by a brief of authorities in support of the motion, which brief will state sufficient facts to advise the Court of the basis for the motion.

DONE at McAllen, Texas on November 22, 2022.



Nadia S. Medrano
United States Magistrate Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA

v.

Dionicio Avila

§

§

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Criminal No. 7:16-cr-00129

WAIVER OF PERSONAL APPEARANCE AT ARRAIGNMENT &
ENTRY OF PLEA OF NOT GUILTY

The defendant, Dionicio Avila, in the above referenced case, along with his/her undersigned attorney, hereby acknowledges the following:

- (1) The defendant has received a copy of the indictment in this case. The defendant understands the nature and substance of the charges contained therein, the maximum penalties applicable thereto, and his/her constitutional rights, after being advised of all the above by his/her attorney.
- (2) The defendant understands he/she has the right to appear personally with his/her attorney before a judge for arraignment in open court on this accusation. The defendant further understands that, absent the present waiver, he/she will be so arraigned in open court.

The defendant, having conferred with his/her attorney in this regard, hereby waives personal appearance with his/her attorney at the arraignment of this case and the reading of the criminal indictment, and, by this instrument tenders his/her plea of "not guilty." The defendant understands that once the Court accepts and enters said plea for the defendant, that will conclude the arraignment in this case for all purposes.

***Renuncia a comparecencia personal en la lectura formal de cargos
y presentación de declaración de No Culpable***

Dionicio Avila, el acusado en el caso arriba enumerado, junto con el suscrito abogado, por medio de la presente reconoce lo siguiente:

- (1) El acusado ha recibido copia de la acusación formal de su caso, y después de haber sido asesorado por su abogado, el acusado entiende la naturaleza de los cargos contenidos en la misma, las penas máximas aplicables, y sus derechos constitucionales.
- (2) El acusado entiende que tiene derecho a comparecer en persona acompañado por su abogado para la lectura formal de los cargos presentados en esta acusación, en audiencia pública ante un juez. Además, el acusado entiende qué en caso de no firmar la presente renuncia a comparecer en persona, tendrá que comparecer a la lectura de cargos en audiencia pública ante el juez.

Después de haber consultado con su abogado todo lo anterior, el acusado por medio de la presente renuncia a comparecer en persona acompañado de su abogado para la lectura formal de los cargos de este caso, y por medio de este instrumento ofrece su declaración de "no culpable".

El acusado entiende qué una vez que el Tribunal acepte y quede asentada en actas dicha declaración, el procedimiento de lectura formal de cargos quedará concluido para propósitos legales.

Date/Fecha

Signature/Firma del Acusado

Attorney for Defendant

Attorney: _____

ORDER

APPROVED, by the Court. A plea of "Not Guilty" is entered for the defendant on _____.

UNITED STATES MAGISTRATE JUDGE
McAllen, Texas